

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IRA SIMON,

Plaintiff,

v.

CADMAN TOWERS, TUDOR REALTY,
SKYLINE CONSTRUCTION, and
ZIMMERMAN,

Defendants.

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WILLIAM F. KUNTZ, II, United States District Judge:

MEMORANDUM & ORDER
19-CV-2829 (WFK) (RER)

On May 7, 2019, Plaintiff Ira Simon (“Plaintiff”), appearing *pro se*, filed this action against Defendants Cadman Towers, Skyline Construction Company, Tudor Realty, and Zimmerman (collectively, “Defendants”). *See* Compl. , ECF No. 1. By Memorandum and Order dated May 21, 2019, the Court dismissed the Complaint for lack of subject matter jurisdiction with leave to file an Amended Complaint that would support the Court’s subject matter jurisdiction within 30 days from the entry of the Memorandum and Order. *See* Mem. & Ord., ECF No. 4. The Court also notified Plaintiff that if he failed to file an Amended Complaint within the 30-day period, Judgment shall enter dismissing this action without prejudice. *Id.* To date, more than 30 days have elapsed and Plaintiff has not filed an Amended Complaint or shown good cause why he cannot comply.

Accordingly, the Clerk of Court is directed to enter judgment dismissing this action without prejudice. Fed. R. Civ. P. 12 (h)(3). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED

s/William F. Kuntz, II

WILLIAM F. KUNTZ, II
United States District Judge

Dated: Brooklyn, New York
July 11, 2019